



SERIAL NUMBER 08/125,105

ATTORNEY DOCKET NO.: 92/F 294 (9086*85)

1713

JAN 21 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON THIS 13th DAY OF January, 2003.

~~J. LYNN FERRY~~

ANDREAS WINTER ET AL.

SERIAL NO: 08/120,105

: ART UNIT: 1713

FILED: SEPTEMBER 10, 1993

: EXAMINER: WILSON

FOR: A PROCESS FOR THE PREPARATION OF
POLYOLEFIN MOLDING COMPOSITIONS
HAVING A BROAD MELTING RANGE

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Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER 1706

RECEIVED

SUBMISSION OF TERMINAL DISCLAIMER

Sir:

In response to the Office Action mailed September 6, 2002 and the Request for Reconsideration mailed December 6, 2002, the applicants enclose the terminal disclaimer that the applicants state that would be mailed (see page 5 of the Request for Reconsideration). The undersigned notes that in the Request for Reconsideration there was a typographical error with respect to US 5,700,886 was referred to as the "866 patent instead of the '886 patent. The applicants apologize for any inconvenience that this may have caused.

No additional fee is due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 C.F.R. 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

A prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,
CONNOLLY BOVE LODGE & HUTZ LLP

By 
Ashley I. Pezzner
Registration No. 35,646
Telephone: 302-888-6270

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PTO/SB/26 (10-00)

Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
HOE92F294

In re Application of: Andreas Winter et al.

Application No.: 08/120,105

Filed: September 10, 1993

For: A Process For The Preparation Of Polyolefin Molding Compositions Having A Broad Melting Range

The owner, Basell Polyolefine GmbH, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,700,886. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

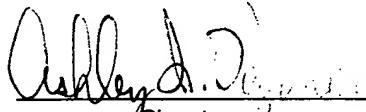
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.


Signature 1/22/03
DateAshley I. Pezzner

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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